

**STATE OF TENNESSEE**  
**110th General Assembly**  
**HOUSE OF REPRESENTATIVES**  
**Civil Justice Subcommittee**

**Wednesday, March 29, 2017 - HHR31 - 9:00 AM & 1:30 PM**

**Carter, Chair;**  
Beck, Casada, Daniel, Farmer, Hardaway, Moody

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1. [HB 0434](#) \***Ramsey** (SB 0050 by \*Dickerson)  
Orders of Protection - As introduced, requires a divorce court that modifies or makes an existing order of protection part of the divorce decree to issue a separate order of protection; requires the clerk to send a copy of the order to the petitioner, respondent, and the law enforcement agency. - Amends TCA Title 36, Chapter 3, Part 6.
2. [HB 1173](#) \***Faison** (SB 0802 by \*Dickerson)  
Fines and Penalties - As introduced, requires the clerk of court to notify the commissioner of safety for purposes of license revocation within 20 days, rather than 30 days, of an offender failing to pay litigation taxes, court costs, and fines. - Amends TCA Title 40, Chapter 24.
3. [HB 1176](#) \***Faison** (SB 0339 by \*Niceley)  
Firearms and Ammunition - As introduced, reduces the penalty for the offense of carrying a handgun without a permit and with the intent to go armed to a Class C misdemeanor with a \$25 fine for a first offense or \$50 for a second or subsequent offense and requires a citation to be issued in lieu of arrest. - Amends TCA Title 39, Chapter 17, Part 13 and Title 40.
4. [HB 0540](#) \***Doss** (SB 1159 by \*Hensley)  
Child Abuse - As introduced, removes requirement that a child must suffer physical injury for a parent or custodian to commit the offense of child endangerment and raises age of child who may be victim of offense of child endangerment from eight to 10 years of age. - Amends TCA Section 39-15-401.
5. [HB 0316](#) \***Hawk, Casada, Lynn** (SB 1205 by \*Norris, Massey)  
Mental Health & Substance Abuse Services, Dept. of - As introduced, authorizes the commissioner to designate employees as administrative law judges or hearing officers for all contested case hearings required by the Uniform Administrative Procedures Act rather than solely for admission review hearings for admission to department facilities. - Amends TCA Section 33-1-306.
6. [HB 0676](#) \***Lynn** (SB 1183 by \*Niceley)  
Statutes and Codification - As introduced, enacts the "Original Intent Act of 2017," which requires the constitutions and laws of the United States and Tennessee to be interpreted in a manner to preserve their meaning at the time written. - Amends TCA Title 1.

7. [HB 1407](#) **\*Weaver** (SB 0146 by \*Beavers)  
Firearms and Ammunition - As introduced, prohibits the expenditure of state or local funds or employees to implement, regulate, or enforce any federal law or executive order regulating the ownership or possession of firearms or firearm ammunition regardless of whether the expenditure of funds or use of employees would violate a state law or the state constitution. - Amends TCA Title 38, Chapter 3, Part 1.
8. [HB 0862](#) **\*White M, Jernigan** (SB 0887 by \*Haile)  
Courts, Juvenile - As introduced, enacts the "Tennessee Zero to Five Initiative" to create five additional zero to five court programs throughout the state to be administered by the department of children's services. - Amends TCA Title 16; Title 36 and Title 37.
9. [HB 1319](#) **\*Stewart** (SB 1097 by \*Kyle)  
Firearms and Ammunition - As introduced, requires, subject to certain exemptions, a sale or transfer of a firearm to be done through a federally licensed gun dealer; creates a Class B misdemeanor offense for sales or transfers that are not conducted through a gun dealer. - Amends TCA Title 39, Chapter 17, Part 13.
10. [HB 0455](#) **\*Littleton, Pody, Hulsey, Hicks, VanHuss, White D, Howell, Forgety, Faison, Doss, Matheny, Moody** (SB 0356 by \*Tracy)  
Firearms and Ammunition - As introduced, prohibits denying a law enforcement officer entry to or removing a law enforcement officer from an event for which the officer holds a valid ticket or has paid an admission fee if denial or removal is based on the officer's lawful carrying of a firearm; permits owner or operator of venue for an event to require law enforcement officer to inform the owner or operator that the officer will be present at the event and in possession of a firearm. - Amends TCA Title 39, Chapter 17, Part 13.
11. [HB 1347](#) **\*Camper** (SB 1397 by \*Tate)  
Handgun Permits - As introduced, allows the department of safety to submit the annual statistical report on handgun carry permit to the members of the general assembly electronically. - Amends TCA Title 39, Chapter 17, Part 13 and Title 62, Chapter 35.
12. [HB 0884](#) **\*Matheny** (SB 1341 by \*Bailey)  
Handgun Permits - As introduced, permits a valid handgun carry permit holder to carry a firearm at any time and in all places in Tennessee unless the permit holder has been drinking alcohol, is in a judicial proceeding, or is on school grounds and does not tell the principal. - Amends TCA Section 39-17-1351(b).
13. [HB 0837](#) **\*DeBerry** (SB 1272 by \*Norris)  
Criminal Procedure - As introduced, prohibits a court from issuing or a law enforcement officer from serving a no knock search or arrest warrant; defines a no knock warrant as a warrant that specifically enables an officer to enter a structure without giving notice of the officer's authority or the purpose of the officer's presence. - Amends TCA Title 40.

14. [HB 0840](#) **\*DeBerry** (SB 1252 by \*Norris)  
Children - As introduced, amends the requirements for what is to be included in a petition filed in juvenile court; clarifies the requirement that a court conducting a termination of parental rights hearing admit evidence pursuant to the Tennessee Rules of Evidence. - Amends TCA Section 36-1-113; Section 37-1-120; Section 37-1-129 and Section 37-1-183.
15. [HB 0961](#) **\*Turner** (SB 0670 by \*Harris)  
Firearms and Ammunition - As introduced, authorizes the issuance of a security temporary order of protection that a law enforcement officer may seek to prevent a restrained person from being able to lawfully possess a firearm when the officer believes that the person is a danger to the person or another. - Amends TCA Title 39, Chapter 17, Part 13.
16. [HB 0047](#) **\*Clemmons** (SB 0309 by \*Kyle)  
Firearms and Ammunition - As introduced, requires mandatory minimum sentences for certain criminal convictions involving semi-automatic firearms. - Amends TCA Title 39, Chapter 17, Part 13.
17. [HB 1318](#) **\*Zachary** (SB 0362 by \*Haile, Bowling)  
Adoption - As introduced, permits a parent to complete documents and forms necessary to execute a surrender or parental consent prior to the birth of a child; deems invalid a surrender or parental consent filed prior to a child's birth until after the birth of the child and the expiration of any applicable waiting period. - Amends TCA Title 36, Chapter 1, Part 1.
18. [HB 1261](#) **\*Towns** (SB 0872 by \*Yarbro)  
Search & Seizure - As introduced, prohibits a law enforcement officer from seizing or destroying a person's photograph or recording of an event or person if it is not illegal and the person is in a place the person has a right to be when photographed or recorded; allows law enforcement to petition court for copy of certain photographic material. - Amends TCA Title 40, Chapter 6, Part 1.
19. [HB 0493](#) **\*Holt, Eldridge, Byrd, Hill T** (SB 0131 by \*Roberts, Green, Hensley)  
Firearms and Ammunition - As introduced, amends various firearms provisions, including changes to firearms on school property, open or concealed carrying of a firearm, handgun carry permits, and posted firearms prohibitions. - Amends TCA Title 39, Chapter 17, Part 13; Title 49 and Title 70.
20. [HB 1006](#) **\*Holt, Eldridge, Byrd** (SB 0861 by \*Roberts)  
Firearms and Ammunition - As introduced, confers criminal and civil immunity upon a person who uses or threatens force in self-defense, defense of another, or defense from a person committing criminal offense, unless the person is a law enforcement officer during discharge of the officer's duties and the person knows the person against whom force is used is a law enforcement officer. - Amends TCA Title 39, Chapter 11, Part 6 and Title 39, Chapter 17, Part 13.
21. [HB 1355](#) **\*Mitchell, Hardaway** (SB 0879 by \*Harris)  
Public Employees - As introduced, deletes requirement that a court must award attorneys' fees and costs to prevailing state and local government employees sued in individual capacity. - Amends TCA Section 29-20-113.

- 22. [HB 0813](#) \*Hulsey, Faison** (SB 0644 by \*Lundberg)  
Forfeiture of Assets - As introduced, expands the reporting requirements for the annual civil asset forfeiture report provided by the department of safety to certain committees of the general assembly. - Amends TCA Title 40, Chapter 33, Part 2.
- 23. [HB 1196](#) \*Rudd** (SB 0729 by \*Gresham)  
Education - As introduced, creates liability protections for educational entities and employees. - Amends TCA Title 8; Title 16; Title 28; Title 29; Title 37; Title 38; Title 39; Title 40 and Title 49.
- 24. [HB 0027](#) \*Hill T, VanHuss** (SB 0024 by \*Green, Tracy, Overbey, Bowling, Lundberg)  
Handgun Permits - As introduced, exempts active-duty military service members and veterans who have specialties as military police, special operations, or special forces from handgun carry permit firing range requirements. - Amends TCA Title 39, Chapter 17, Part 13.
- 25. [HB 1279](#) \*Love** (SB 1098 by \*Kyle)  
Forfeiture of Assets - As introduced, includes offenses in which the defendant intentionally selects the person against whom the offense is committed because of the person's race, religion, color, disability, sexual orientation, national origin, ancestry, or gender within the definition of "acts of terrorism" for purposes of the asset forfeiture provisions of the terrorism act. - Amends TCA Title 39, Chapter 13, Part 8.
- 26. [HB 0995](#) \*White D** (SB 1077 by \*Lundberg)  
Handgun Permits - As introduced, increases amount of time a handgun carry permit holder must notify the department of safety of a change of address from 60 days to 75 days. - Amends TCA Title 39, Chapter 17, Part 13.
- 27. [HB 1395](#) \*Towns** (SB 1186 by \*Kyle)  
Firearms and Ammunition - As introduced, requires the owner or lawful possessor of a lost or stolen firearm to report the loss within 48 hours of knowing when it was missing or when the person should have known it was missing to the applicable law enforcement agency or be subject to a \$250 civil penalty. - Amends TCA Title 39, Chapter 17, Part 13.
- 28. [HB 0892](#) \*Pody, VanHuss, Hulsey, Moody, Matlock, Hawk, Sexton J, Holt, Sherrell, Weaver, Matheny** (SB 0752 by \*Beavers, Bailey, Bowling, Green)  
Marriage - As introduced, enacts the "Tennessee Natural Marriage Defense Act," which states the policy of Tennessee to defend natural marriage between one man and one woman regardless of any court decision to the contrary. - Amends TCA Title 36.
- 29. [HB 0894](#) \*Pody** (SB 0269 by \*Beavers)  
Handgun Permits - As introduced, requires the department of safety to promulgate rules regarding requirements for handgun safety course instruction, including qualifications of handgun safety schools and instructors, required for handgun carry permits; authorizes a permit holder to convert an eight-year permit into a lifetime permit at any time. - Amends TCA Title 39, Chapter 17, Part 13.

30. [HB 1157](#) \***Littleton** (SB 0855 by \*Roberts)  
Courts, General Sessions - As introduced, allows process from the general sessions court to be served within 65 days of service, rather than 60 days of service. - Amends TCA Title 6 and Title 16.
31. [HB 1083](#) \***Sexton J** (SB 0647 by \*Niceley)  
Firearms and Ammunition - As introduced, authorizes community corrections officers who hold a valid Tennessee handgun permit to carry a handgun at all times and in all places in Tennessee while in the course of employment and engaged in the actual discharge of official duties. - Amends TCA Title 38, Chapter 8 and Title 39, Chapter 17, Part 13.
32. [HB 1086](#) \***Sexton J** (SB 0976 by \*Niceley)  
Children - As introduced, creates a presumption, for the purposes of awarding grandparent visitation, that a custodial parent or parents or custodian opposes grandparent visitation if the grandparent has been denied visitation for a period of three months or more. - Amends TCA Title 36, Chapter 6, Part 3.
33. [HB 0040](#) \***VanHuss, Butt, Hill M, Keisling, Matlock, Crawford, Hill T, Eldridge, Kane, Lovell, Rudd, Byrd, Howell, Holt, Weaver, Kumar** (SB 0147 by \*Beavers)  
Firearms and Ammunition - As introduced, enacts the "Open Carry Firearms Freedom Act." - Amends TCA Title 10, Chapter 7; Title 33; Title 38; Title 39; Title 40 and Title 70.
34. [HB 0689](#) \***VanHuss** (SB 1338 by \*Bailey)  
Handgun Permits - As introduced, authorizes the department of safety to consult any military form that captures either small arms qualification training or combat pistol training in order to verify a handgun permit applicant's eligibility for the military veteran's exception to the handgun training requirements. - Amends TCA Section 39-17-1351.
35. [HB 1033](#) \***VanHuss** (SB 1003 by \*Beavers)  
Tort Liability and Reform - As introduced, makes a nonresidential substitution-based treatment center for opiate addiction liable for damages or injuries caused by a patient who receives treatment and upon leaving treatment commits an alcohol-related driving offense if the patient's impairment is due to the treatment provided. - Amends TCA Title 29 and Title 68, Chapter 11.
36. [HB 0110](#) \***Parkinson** (SB 1006 by \*Kyle)  
Paternity - As introduced, prevents the use of license denial, suspension, or revocation or contempt of court orders to enforce child support arrearages owed by a person who executed a voluntary acknowledgement of paternity that was rescinded due to fraud, duress, or material mistake of fact. - Amends TCA Title 24, Chapter 7; Title 36 and Title 68, Chapter 3, Part 3.
37. [HB 0382](#) \***Parkinson** (SB 0618 by \*Harris)  
Paternity - As introduced, prevents the use of license denial, suspension, or revocation or contempt of court orders to enforce child support arrearages owed by a person who executed a voluntary acknowledgment of paternity that was rescinded due to fraud, duress, or material mistake of fact. - Amends TCA Title 24, Chapter 7; Title 36 and Title 68, Chapter 3.

38. [HB 1126](#) **\*Parkinson** (SB 0993 by \*Lundberg)  
Child Custody and Support - As introduced, specifies that in child support actions filed on or after July 1, 2017, the court cannot order the payment of retroactive support for more than five years unless the court finds the obligor deliberately avoided service or impeded the imposition of the child support obligations. - Amends TCA Title 36.
39. [HB 1221](#) **\*Hicks** (SB 1340 by \*Bailey)  
Firearms and Ammunition - As introduced, authorizes district attorneys general and similar persons to carry firearms subject to training and certification requirements. - Amends TCA Section 39-17-1350.
40. [HB 0919](#) **\*Staples, Smith** (SB 0844 by \*Briggs)  
Judicial Officers - As introduced, establishes the position of domestic abuse magistrate for Knox County to issue orders of protection, hear order of protection violations, set bail and bail conditions, and perform other duties assigned by the circuit court judge of the 4th division who is also the appointing judge. - Amends TCA Section 40-1-111.
41. [HB 0349](#) **\*Farmer** (SB 0554 by \*Ketron)  
Child Custody and Support - As introduced, changes standard for when a court may terminate parental rights to a child who was conceived as the result of the parent's rape of the mother from a criminal conviction to clear and convincing evidence that the rape occurred. - Amends TCA Title 36, Chapter 1, Part 1.
42. [HB 1167](#) **\*Forgety, Farmer** (SB 1184 by \*Niceley)  
Eminent Domain - As introduced, requires property taken under eminent domain to be valued at highest and best use instead of fair market value; removes industrial park exception to public use requirement; requires costs of appraisal to always be taxed to the condemning body. - Amends TCA Title 7, Chapter 55; Title 13; Title 29, Chapter 17 and Title 29, Chapter 16.
43. [HB 0639](#) **\*Daniel** (SB 0328 by \*Kelsey)  
Healthcare Liability - As introduced, increases from 60 to 65 the number of days a person asserting a potential claim for healthcare liability must give written notice of the potential claim to each healthcare provider that will be a named defendant before filing a complaint in court. - Amends TCA Title 16; Title 17 and Title 29.
44. [HB 0880](#) **\*Daniel** (SB 1084 by \*Lundberg)  
Courts - As introduced, creates the court fee and tax advisory council; requires the council to consider and make recommendations on legislation that would create or increase litigation taxes or fees on criminal or civil cases and compile an annual report on all existing litigation taxes and fees. - Amends TCA Title 4, Chapter 29 and Title 16.